

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay. The examiner has indicated that the case contains allowable subject matter.

The specification has been amended to eliminate some minor obvious errors. No new matter whatsoever has been added.

The drawings were filed with the original application papers. Apparently they were scanned with other documents and not separated out. In any case a new set entitled "New Drawing" is submitted herewith.

The subject matter of claim 27 has been inserted into claim 26 and claim 27 has been canceled. In addition a new claim 30 has been submitted that includes the subject matter of original claims 26 and 28, and claim 28 has been canceled.

Furthermore claims 26 and 30 both now clearly recite that the inward continuous or stepped movement of the fingers 2 takes place during their downward movement. This is critical in that it allows the hood 25 to be pulled smoothly off the fingers 2.

US patent 4,063,401 of Higgins, as stated in the Office Action, "does not disclose ... the movement of the fingers to an intermediate position as the film is drawn over the load." Thus

this reference represents the admitted state of the prior art and cannot function all alone to form a valid rejection of any claims in this case.

German utility model 90 01 319 assigned to Develog describes a system where as stated in the second paragraph of page 5:

In order to facilitate drawing the stretch-foil hood 25 from the arm 11, it can as shown in FIG. 5, be tipped from its vertical position into a position angled toward the object stack 24. A braking force can be applied in these regions by the rollers 22.

This inward tipping does not take place during downward movement of the arm 11, but before such movement. There is nothing in Develog to suggest moving the arm 11 into the FIG. 5 tipped position as it is being moved downward.

The only suggestion to move the Develog device into the FIG. 5 tipped position during downward movement must have come from the instant application, not from the disclosure of Develog. Hence the rejection on §103 over the combination of Higgins and Develog must fall. No-one suggests inward movement of hood-tensioning elements during their downward movement.

The third applied reference, US patent 6,032,439 of Birkenfeld, applies a uniform braking force applied during the entire downward shifting of the hood stretcher. Column 5, lines 23ff states:

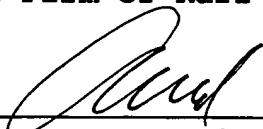
Thereby, there is provided a first friction contact surface on the arch of reefing fingers 14 and a second additional contact surface on the stretching elements 22. Thus, a large contact surface is obtained, which makes possible a controlled and uniform sliding of the film cover by the reefing device. This is in sharp distinction to the system defined in claims 29 and 31, where the clamping is only exerted at the end of the downward movement, after the hood has been fitted over the object, so as to pull the hood tight. Birkenfeld does not disclose a clamping action only at one stage, but a continuous one, so a rejection of claims 29 and 31 in view of Birkenfeld is also impossible.

For these reasons all of the claims in the case are felt to be in condition for allowance. Notice to that effect is earnestly solicited.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this

case, the examiner is invited to call the undersigned to make the necessary corrections.

Respectfully submitted,
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13 June 2006
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Enclosure: Substitute Abstract
 Corrected version of translation
 Substitute Specification